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Bar Stance on Wiretap Bill Scored

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PHILADELPHIA, Pa. — An American Bar Association official has denounced as "incestuous" the ABA's relationship to controversial wiretapping legislation.

William F. Walsh, of Houston, chairman of the ABA's Criminal Law Section, has written the section's 3900 members, calling for expressions of opposition to eavesdropping proposals now being circulated within the ABA.

Walsh said ABA endorsement of pending eavesdrop proposals would amount to approval of Title III of the recently enacted Federal crime law because both were drafted principally by one person, Notre Dame law professor G. Robert Blakey.

Since the Federal eavesdrop law has yet to be tested in court, Walsh told the Section, "You may wish to consider" whether the ABA's stamp of approval should go on a model code that is identical to the Federal law in its major provisions.

Walsh said the ABA is being

asked to adopt the code "in spite of its incestuous procreation" in Congress and as part of the Bar Association's four-year project to develop "minimum standards for criminal justice."

Blakey, a former Justice Department attorney who teaches an organized crime seminar at Notre Dame, said in a telephone interview, "I don't think I'll comment on that," when told of Walsh's charge of scholarly incest.

Blakey said Walsh had registered frequent objections to the eavesdropping proposals as they were being formulated and added, "We simply disagree" on their merits.

In addition to counseling wiretap proponents on the Senate floor this spring, Blakey has been active as a staff consultant to the National Crime Commission and in the courts in urging the

adoption of court-authorized eavesdrop authority for law enforcement officers.

Eavesdropping is expected to be widely discussed at the ABA's 91st annual convention, which opens Monday in Philadelphia, but the policy-making House of Delegates will not take up the model code until February.

Walsh said the Criminal Law Section's members should consider the code's impact on their work.

Walsh charged that the model code would "destroy" the lawyer-client relationship because no attorney could be certain that his conversations with his client were not being monitored. The code and the Federal law permit eavesdropping on lawyers, doctors, clergymen and bedrooms if officers can demonstrate to a judge that there is a "special need" and that unusual precautions have been taken to protect the innocent.

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